

**BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation and Petition to
Revoke Probation Against:

JEFFREY S. ARDEN, Ph.D.

Respondent.

Case No. W-228


OAH No. L-2002-050747

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by
the Board of Psychology, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on March 30, 2003.

It is so ORDERED February 28, 2003.



FOR THE BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
PAMELA HARMELL, Ph.D., PRESIDENT

1 BILL LOCKYER, Attorney General
2 of the State of California
3 ISA R. RODRIGUEZ, State Bar No. 104838
4 Deputy Attorney General
5 California Department of Justice
6 2550 Mariposa Mall, Room 5090
7 Fresno, CA 93721
8 Telephone: (559) 444-2417
9 Facsimile: (559) 488-7387
10 E-mail: isa.rodriguez@doj.ca.gov

11 Attorneys for Complainant

12 **BEFORE THE**
13 **BOARD OF PSYCHOLOGY**
14 **DEPARTMENT OF CONSUMER AFFAIRS**
15 **STATE OF CALIFORNIA**

16 In the Matter of the Accusation and Petition to
17 Revoke Probation Against:

18 JEFFREY S. ARDEN, Ph.D.
19 750 Terrado Plaza, Suite 246
20 Covina, CA 91723

21 Psychology License No. PSY 9687,

22 Respondent.

Case No. W-228

OAH No. L-2002-050747

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

23 In the interest of a prompt and speedy settlement of this matter, consistent with the
24 public interest and the responsibility of the Board of Psychology of the Department of Consumer
25 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
26 which will be submitted to the Board for approval and adoption as the final disposition of the
27 Accusation and Petition to Revoke Probation.

PARTIES

28 1. Thomas S. O'Connor (Complainant) is the Executive Officer of the Board
of Psychology. He brought this action solely in his official capacity and is represented in this
matter by Bill Lockyer, Attorney General of the State of California, by Isa R. Rodriguez, Deputy
Attorney General.

///

///

2. Respondent Jeffrey S. Arden, Ph. D. (Respondent) is represented in this proceeding by attorney Robert F. Hahn, whose address is Law Offices of Gould & Hahn, 5801 Christie Avenue, Suite 385, Emeryville, CA 94608.

3. On or about March 2, 1987, the Board of Psychology issued Psychologist's License No. PSY 9687 to Jeffrey S. Arden, Ph. D. (Respondent). Respondent's license has been in full force and effect at all times relevant to the charges alleged in the Accusation and will expire on September 30, 2004, unless renewed.

JURISDICTION

4. Accusation and Petition to Revoke Probation No. W-228 was filed before the Board of Psychology (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on March 28, 2002. Respondent timely filed his Notice of Defense contesting the Accusation and Petition to Revoke Probation. A copy of Accusation and Petition to Revoke Probation No. W-228 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation and Petition to Revoke Probation No. W-228. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation and Petition to Revoke Probation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

1 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
2 each and every right set forth above.

3 CULPABILITY

4 8. Respondent understands and agrees that the charges and allegations in
5 Accusation and Petition to Revoke Probation No. W-228, if proven at a hearing, constitute cause
6 for imposing discipline upon his Psychologist's License.

7 9. For the purpose of resolving the Accusation and Petition to Revoke
8 Probation without the expense and uncertainty of further proceedings, Respondent acknowledges
9 that Complainant asserts that, at a hearing, complainant could establish a factual basis for the
10 charge in the Accusation and Petition to Revoke Probation that Respondent exceeded the scope
11 of his expertise, and that Respondent hereby gives up his right to contest that charge.

12 10. Respondent agrees that his Psychologist's License is subject to discipline
13 and he agrees to be bound by the Board of Psychology (Board) 's imposition of discipline as set
14 forth in the Disciplinary Order below.

15 RESERVATION

16 11. The admissions made by Respondent herein are only for the purposes of
17 this proceeding, or any other proceedings in which the Board of Psychology or other professional
18 licensing agency is involved, and shall not be admissible in any other criminal or civil
19 proceeding.

20 CONTINGENCY

21 12. This stipulation shall be subject to approval by the Board of Psychology.
22 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
23 Psychology may communicate directly with the Board regarding this stipulation and settlement,
24 without notice to or participation by Respondent or his counsel. By signing the stipulation,
25 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind
26 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
27 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
28 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action

1 between the parties, and the Board shall not be disqualified from further action by having
2 considered this matter.

3 13. The parties understand and agree that facsimile copies of this Stipulated
4 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
5 force and effect as the originals.

6 14. In consideration of the foregoing admissions and stipulations, the parties
7 agree that the Board may, without further notice or formal proceeding, issue and enter the
8 following Disciplinary Order:

9 **DISCIPLINARY ORDER**

10 IT IS HEREBY ORDERED that Psychologist's License No. PSY 9687 issued to
11 Respondent Jeffrey S. Arden, Ph. D. is revoked. However, the revocation is stayed and
12 Respondent's current probation is extended for two (2) years from the original date of
13 termination, April 1, 2002, to April 1, 2004, on the following terms and conditions.

14 1. **EDUCATION REVIEW** Respondent shall submit to an educational
15 review concerning the circumstances which resulted in this administrative action. The
16 educational review shall be conducted by a board-appointed expert case reviewer and/or Board
17 designee familiar with this case. Educational reviews are informational only and intended to
18 benefit Respondent's practice by preventing future such complaints. Respondent shall pay all
19 costs associated with this educational review.

20 2. **COURSEWORK** Respondent shall take and successfully complete not
21 less than 36 hours of continuing education courses during the two years of probation in the
22 following area(s): family court issues to include child custody evaluations, law and ethics, and
23 child abuse assessment and detection. Coursework must be preapproved by the Board or its
24 designee. All coursework shall be taken at the graduate level at an accredited educational
25 institution or by an approved continuing education provider. Classroom attendance is
26 specifically required; correspondence or home study coursework shall not count toward meeting
27 this requirement. The coursework must be in addition to any continuing education courses that
28 may be required for license renewal.

1 Respondent may apportion the additional coursework as he feels reasonably
2 necessary so long as the 36 hours of additional continuing education are completed within the
3 two-year time frame. Respondent may petition for termination of probation provided the
4 following conditions have been met: 1.) the 36 hours of additional continuing education have
5 been successfully completed; 2.) respondent has been on probation for at least one (1) year from
6 the effective date of this decision; 3.) respondent has completed the required educational review
7 specified in paragraph 1, above; and, 4.) \$3,500.00 in cost recovery has been paid.

8 Within 90 days of the effective date of this Decision, respondent shall submit to
9 the Board or its designee for its prior approval a plan for meeting the educational requirements.
10 All costs of the coursework shall be paid by the respondent.

11 3. INVESTIGATION/ENFORCEMENT COST RECOVERY Respondent
12 shall pay the Board its costs of investigation and enforcement in the amount of \$3,500 within the
13 first year of probation. Such costs shall be payable to the Board of Psychology. Failure to pay
14 such costs shall be considered a violation of probation.

15 The filing of bankruptcy by respondent shall not relieve respondent of the
16 responsibility to repay investigation and enforcement costs

17 4. PROBATION COSTS Respondent shall pay the costs associated with
18 probation monitoring each and every year of probation. Such costs shall be payable to the Board
19 of Psychology at the end of each fiscal year (July 1 - June 30). Failure to pay such costs shall be
20 considered a violation of probation.

21 The filing of bankruptcy by respondent shall not relieve respondent of the
22 responsibility to repay investigation and enforcement costs

23 5. OBEY ALL LAWS Respondent shall obey all federal, state, and local
24 laws and all regulations governing the practice of psychology in California including the ethical
25 guidelines of the American Psychological Association. A full and detailed account of any and all
26 violations of law shall be reported by the respondent to the Board or its designee in writing
27 within seventy-two (72) hours of occurrence.

28 ///

1 6. QUARTERLY REPORTS Respondent shall submit quarterly
2 declarations under penalty of perjury on forms provided by the Board or its designee, stating
3 whether there has been compliance with all the conditions of probation.

4 7. PROBATION COMPLIANCE Respondent shall comply with the Board's
5 probation program and shall, upon reasonable notice, report to the assigned District Office of the
6 Medical Board of California or other designated probation monitor. Respondent shall contact the
7 assigned probation officer regarding any questions specific to the probation order. Respondent
8 shall not have any unsolicited or unapproved contact with 1) complainants associated with the
9 case; 2) Board members or members of its staff; or 3) persons serving the Board as expert
10 evaluators.

11 8. INTERVIEW WITH BOARD OR ITS DESIGNEE Respondent shall
12 appear in person for interviews with the Board or its designee upon request at various intervals
13 and with reasonable notice.

14 9. CHANGES OF EMPLOYMENT Respondent shall notify the Board in
15 writing, through the assigned probation officer, of any and all changes of employment, location,
16 and address within 30 days of such change.

17 10. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-
18 STATE NON-PRACTICE In the event respondent should leave California to reside or to
19 practice outside the State or for any reason should respondent stop practicing psychology in
20 California, respondent shall notify the Board or its designee in writing within ten days of the
21 dates of departure and return or the dates of non-practice within California. Non-practice is
22 defined as any period of time exceeding thirty days in which respondent is not engaging in any
23 activities defined in Sections 2902 and 2903 of the Business and Professions Code. Periods of
24 temporary or permanent residency or practice outside California or of non-practice within
25 California will not apply to the reduction of this probationary period., although the Board may
26 allow respondent to complete certain terms of probation that are not associated with active
27 practice.

28 ///

11. EMPLOYMENT AND SUPERVISION OF TRAINEES Respondent shall not employ or supervise or apply to employ or supervise psychological assistants, interns or trainees during the course of this probation. Any such supervisorial relationship in existence on the effective date of this probation shall be terminated by respondent and/or the Board.

12. **VIOLATION OF PROBATION** If respondent violates probation in any respect, the Board may, after giving respondent notice and the opportunity to be heard, revoke probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final. No Petition for Modification or Termination of Probation shall be considered while there is an Accusation or Petition to Revoke Probation pending against respondent.

13. COMPLETION OF PROBATION Upon successful completion of probation, respondent's license shall be fully restored.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Robert F. Hahn. I understand the stipulation and the effect it will have on my Psychologist's License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Psychology.

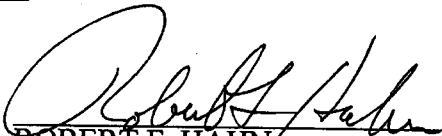
DATED:

11/21/02

Jeffrey S. Arden
JEFFREY S. ARDEN, PH. D.
Respondent

1 I have read and fully discussed with Respondent Jeffrey S. Arden, Ph. D. the
2 terms and conditions and other matters contained in the above Stipulated Settlement and
3 Disciplinary Order. I approve its form and content.

4 DATED: 11-21-02.


5
6 
7 ROBERT F. HAHN
8 Attorney for Respondent

9 ENDORSEMENT

10 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
11 submitted for consideration by the Board of Psychology of the Department of Consumer Affairs.

12
13 DATED: 12/23/02.

14 BILL LOCKYER, Attorney General
15 of the State of California

16 
17 ISA R. RODRIGUEZ
18 Deputy Attorney General

19 Attorneys for Complainant

20 DOJ Docket Number: 03598160-SA2002AD0383
21
22
23
24
25
26
27
28

Exhibit A

Accusation and Petition to Revoke Probation No. W-228

BILL LOCKYER, Attorney General
of the State of California
ISA R. RODRIGUEZ, State Bar No. 104838
Deputy Attorney General
California Department of Justice
2550 Mariposa Mall, Room 5090
Fresno, CA 93721
Telephone: (559) 444-2417
Facsimile: (559) 488-7387

Attorneys for Complainant

FILED
STATE OF CALIFORNIA
BOARD OF PSYCHOLOGY
SACRAMENTO 3/28 20 02
BY R. Burns ANALYST

BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to
Revoke Probation Against:

JEFFREY S. ARDEN, PH.D.
750 Terrado Plaza, Suite 246
Covina, CA 91723

Psychologist's License No. PSY 9687

Respondent.

Case No. W228

ACCUSATION AND PETITION TO
REVOKE PROBATION

Complainant alleges:

PARTIES

1. Thomas S. O'Connor (Complainant) brings this Accusation solely in his
official capacity as the Executive Officer of the Board of Psychology, Department of Consumer
Affairs.

2. On or about March 2, 1987, the Board of Psychology issued Psychologist's
License No. PSY 9687 to JEFFREY S. ARDEN, Ph.D. (Respondent). The Psychologist's
License was in full force and effect at all times relevant to the charges brought herein and will
expire on September 30, 2002, unless renewed.

///

///

PRIOR DISCIPLINE

3. On or about May 8, 1988, the Board issued Accusation No. W-130 charging respondent with violating sections 2960(a) of the Business and Professions Code¹ (conviction of a crime), 2960(f) (accepting compensation or remuneration for the referral of clients), and 2960(n) (dishonest, corrupt, or fraudulent acts). The facts underlying the allegations were that respondent pled guilty in Federal District Court to conspiracy, receipt of illegal kickback (18 USC, § 371; 42 USCA, § 1320a - 7(b)(1)(A)). Beginning on or about August 1990, and continuing through at least on or about September 1992, respondent received over \$155,000 plus furniture and biofeedback equipment for referring patients to specific hospitals. On April 1, 1999, the Decision And Order of the Board became effective adopting a Stipulated Settlement And Disciplinary Order in Accusation No. W-130. Pursuant to this Decision And Order, respondent was placed on three (3) years probation with terms and conditions. Among those conditions, respondent was required to obey all laws governing the practice of Psychology including the ethical guidelines of the American Psychological Association (Cond. No. 4). Additionally, respondent was on notice that any violation of probation shall lead to the filing of an Accusation or Petition to Revoke Probation and would extend the period of probation and the Board would have continuing jurisdiction until the matter was final (Cond. 11). That period of probation is due to end on April 1, 2002.

JURISDICTION

4 This Accusation is brought before the Board of Psychology (Board), under the authority of the following sections of the Business and Professions Code.

5. Sections 2920 and 2928 provide that the Board shall enforce and administer the Psychology Licensing Law (see § 2901).

6. Section 2936 provides, in pertinent part, that the Board shall establish as its standards of ethical conduct relating to the practice of psychology, the code of ethics adopted

1. All statutory references are to the Business and Professions Code unless otherwise indicated.

1 by the American Psychological Association (APA). Those standards shall be applied by the
2 Board as the accepted standard of care in all Board enforcement policies and disciplinary case
3 evaluations.

4 7. Section 2960 states:

5 The board may refuse to issue any registration or license, or may issue a
6 registration or license with terms and conditions, or may suspend or revoke the
7 registration or license of any registrant or licensee if the applicant, registrant, or
8 licensee has been guilty of unprofessional conduct. Unprofessional conduct shall
9 include, but not be limited to:

10 (a) Conviction of a crime substantially related to the qualifications,
11 functions or duties of a psychologist or psychological assistant.

12 (b) Use of any controlled substance as defined in Division 10
13 (commencing with Section 11000) of the Health and Safety Code, or dangerous
14 drug, or any alcoholic beverage to an extent or in a manner dangerous to himself
15 or herself, any other person, or the public, or to an extent that this use impairs his
16 or her ability to perform the work of a psychologist with safety to the public.

17 (c) Fraudulently or neglectfully misrepresenting the type or status of
18 license or registration actually held.

19 (d) Impersonating another person holding a psychology license or
20 allowing another person to use his or her license or registration.

21 (e) Using fraud or deception in applying for a license or registration or in
22 passing the examination provided for in this chapter.

23 (f) Paying, or offering to pay, accepting, or soliciting any consideration,
24 compensation, or remuneration, whether monetary or otherwise, for the referral of
25 clients.

26 (g) Violating Section 17500.

27 (h) Willful, unauthorized communication of information received in
28 professional confidence.

(i) Violating any rule of professional conduct promulgated by the board and set forth in regulations duly adopted under this chapter.

(j) Being grossly negligent in the practice of his or her profession.

(k) Violating any of the provisions of this chapter or regulations duly adopted thereunder.

(l) The aiding or abetting of any person to engage in the unlawful practice of psychology.

(m) The suspension, revocation or imposition of probationary conditions by another state or country of a license or certificate to practice psychology or as a psychological assistant issued by that state or country to a person also holding a license or registration issued under this chapter if the act for which the disciplinary action was taken constitutes a violation of this section.

(n) The commission of any dishonest, corrupt, or fraudulent act.

(o) Any act of sexual abuse, or sexual relations with a patient or former patient within two years following termination of therapy, or sexual misconduct that is substantially related to the qualifications, functions or duties of a psychologist or psychological assistant or registered psychologist.

(p) Functioning outside of his or her particular field or fields of competence as established by his or her education, training, and experience.

(q) Willful failure to submit, on behalf of an applicant for licensure, verification of supervised experience to the board.

(r) Repeated acts of negligence.

8. Section 2961 provides, in pertinent part, that after a hearing, the Board may suspend or revoke, or impose probationary conditions upon a license or registration.

9. Section 125.3 states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 10. Section 118, subdivision (b), provides, in pertinent part, that the
2 suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of
3 jurisdiction to proceed with a disciplinary action during the period within which the license may
4 be renewed, restored, reissued or reinstated.

5 ETHICAL PRINCIPLES OF PSYCHOLOGISTS AND CODE OF CONDUCT²

6 (American Psychological Association, December 1, 1992)

7 11. Section 1.03 of the Ethical Standards provides, in pertinent part, as
8 follows:

9 Psychologists provide diagnostic, therapeutic, teaching, research,
10 supervisory, consultative, or other psychological services only in the context of a
11 defined professional or scientific relationship or role.

12 12. Section 1.04(a) of the Ethical Standards provides, as follows:

13 (a) Psychologists provide services, teach, and conduct research only
14 within the boundaries of their competence, based on their education, training,
15 supervised experience, or appropriate professional experience.

16 13. Section 1.17 of the Ethical Standards provides as follows:

17 (a) In many communities and situations, it may not be feasible or
18 reasonable for psychologists to avoid social or other nonprofessional contacts
19 with persons such as patients, clients, students, supervisees, or research
20 participants. Psychologists must always be sensitive to the potential harmful
21 effects of other contacts on their work and on those persons with whom they deal.
22 A psychologist refrains from entering into or promising another personal,
23 scientific, professional, financial, or other relationship with such persons if it
24 appears likely that such a relationship reasonably might impair the psychologist's

25
26 2. The American Psychological Association's (APA's) Ethical Principles Of Psychologists
27 And Code Of Conduct (hereinafter referred to as the "Ethics Code") consists of an Introduction,
28 a Preamble, six General Principles (A-F), and specific Ethical Standards. References to Ethical
Standards are to the Ethical Standards of the Ethics Code.

1 objectivity or otherwise interfere with the psychologist's effectively performing
2 his or her functions as a psychologist, or might harm or exploit the other party.

3 (b) Likewise, whenever feasible, a psychologist refrains from taking on
4 professional or scientific obligations when pre-existing relationship would create
5 a risk of such harm.

6 (c) If a psychologist finds that, due to unforeseen factors, a potentially
7 harmful multiple relationship has arisen, the psychologist attempts to resolve it
8 with due regard for the best interests of the affected person and maximal
9 compliance with the Ethics Code.

10 14. Section 2.01(a) of the Ethical Standards provides as follows:

11 (a) Psychologists perform evaluations, diagnostic services, or interventions only
12 within the context of a defined professional relationship.

13 15. Section 4.03 of the Ethical Standards provides as follows:

14 (a) When a psychologist agrees to provide services to several persons who
15 have a relationship (such as husband and wife or parents and children), the
16 psychologist attempts to clarify at the outset (1) which of the individuals are
17 patients or clients and (2) the relationship the psychologist will have with each
18 person. This clarification includes the role of the psychologist and the probable
19 uses of the services provided or the information obtained.

20 (b) As soon as it becomes apparent that the psychologist may be called on
21 to perform potentially conflicting roles (such as marital counselor to husband and
22 wife, and then witness for one party in a divorce proceeding), the psychologist
23 attempts to clarify and adjust, or withdraw from, roles appropriately.

24 16. Section 5.02 of the Ethical Standards provides as follows:

25 Psychologists have a primary obligation and take reasonable precautions
26 to respect the confidentiality rights of those with whom they work or consult,
27 recognizing that confidentiality may be established by law, institutional rules, or
28 professional or scientific relationships.

17. Section 5.05 of the Ethical Standards provides as follows:

(a) Psychologists disclose confidential information without the consent of the individual only as mandated by law, or where permitted by law for a valid purpose, such as (1) to provide needed professional services to the patient or the individual or organizational client, (2) to obtain appropriate professional consultations, (3) to protect the patient or client or others from harm, or (4) to obtain payment for services, in which instance disclosure is limited to the minimum that is necessary to achieve the purpose.

(b) Psychologists also may disclose confidential information with the appropriate consent of the patient or the individual or organizational client (or of another legally authorized person on behalf of the patient or client), unless prohibited by law.

18. Section 7.02(b) of the Ethical Standards provides, in pertinent part, that psychologists provide written or oral forensic reports or testimony of the psychological characteristics of an individual only after they have conducted an examination of the individual adequate to support their statements or conclusions.

19. Section 7.03 of the Ethical Standards provides as follows:

In most circumstances, psychologists avoid performing multiple and potentially conflicting roles in forensic matters. When psychologists may be called on to serve in more than one role in a legal proceeding - for example, as consultant or expert for one party or for the court and as a fact witness - they clarify role expectations and the extent of confidentiality in advance to the extent feasible, and thereafter as changes occur, in order to avoid compromising their professional judgment and objectivity and in order to avoid misleading others regarding their role.

///

///

CASE SUMMARY

20. In early 1999, respondent was appointed by the court to conduct a custody evaluation of the family of C.S. and K.S.³ as part of a divorce proceeding. In January 1999, the custody issue was settled based on respondent's recommendations that both parents share joint custody of their 3-year-old daughter, E.S.⁴

In or about February 1999, K.S. contacted respondent with information that C.S. had been drinking, in violation of custody recommendations that she remain sober. On his own, respondent investigated this information by contacting individuals, whose names were provided by K.S., to "confirm these allegations." Respondent did not contact C.S. but instead accepted the information provided by K.S.

In or about August 1999, K.S. again contacted respondent to report that E.S. had been sexually molested by her older stepbrothers. In response, respondent conducted a series of interviews with E.S., her father K.S., the paternal grandmother, and the paternal great-grandmother. Respondent did not interview C.S. or the three stepbrothers. Because the issue of child molestation was "beyond the scope of his experience and expertise," respondent consulted his colleague Janice Carter-Lourensz, M.D., reportedly an expert in child sexual abuse. However, Dr. Carter-Lourensz did not interview E.S. personally but instead apparently relied on respondent's report and a videotape of an interview with E.S. Respondent's investigation of the suspected child abuse of E.S. was inappropriate in that he failed to properly contact Child Protective Services⁵ by telephone and delegate to that agency the responsibility for investigating suspected child abuse, he failed to contact both attorneys with his suspicions, which K.S. had initiated, and he failed to dismiss himself from further involvement in the case.

3. Initials used to protect privacy. Names will be provided through discovery.

4. E.S. had three older stepbrothers whose custody was not at issue since they were from C.S.'s prior marriage.

5. Penal Code section 11166, in part, requires a psychologist to report to the agency immediately or as soon as is practically possible by telephone, and prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

On August 18, 1999, at a court hearing ostensibly dealing with C.S.'s request to move her family, respondent gave the court a letter/report dated August 17, 1999, wherein he expressed his belief that E.S. had been molested and recommended that E.S. be removed from her mother's (C.S.'s) custody and have no contact with the stepbrothers. C.S. had no prior knowledge of the allegation of child abuse or of the investigation and interviews conducted by respondent since neither she nor her sons were ever contacted by respondent as part of respondent's investigation of the suspected child abuse of E.S. Based on respondent's recommendations, the court immediately removed E.S. from her mother's (C.S.'s) custody.

On or about September 9, 1999, C.S. and Dr. Jess Diamond contacted the Ridgecrest, California Police Department about concerns that the suspected child abuse of E.S. had not been properly reported. In response, Detective Plumhoff of the Ridgecrest Police Department initiated an investigation into the suspected sexual molestation of E.S. by her three stepbrothers. Detective Plumhoff attempted several times to speak with respondent about the alleged sexual molestation of E.S. but respondent would not even return his calls. As part of this investigation, E.S. was interviewed but provided no information about being molested. Thereafter, on or about September 16, 1999, the Kern County Department of Human And Social Services, Child Protective Services Unit conducted a forensic interview of E.S. but, again, E.S. provided no information about being sexually molested. Detective Plumhoff therefore closed his case as unsubstantiated.

FIRST CAUSE FOR DISCIPLINE AND TO REVOKE PROBATION.

(Gross Negligence)

21. The facts alleged in paragraph 20, above, are realleged and incorporated by reference as if fully set forth here.

22. Respondent's conduct, as set forth in paragraph 20 above, has exposed his license to discipline for gross negligence pursuant to section 2960(j) in conjunction with section 2960(h) in that he was grossly negligent when he breached confidentiality and contacted individuals about C.S.'s alleged drinking alcohol without obtaining authorization to do so.

23. Respondent's conduct as set forth in paragraphs 20 and 22, above, is a

violation of Condition No. 4 of the terms and conditions of the Disciplinary Order issued in
Accusation No. W-130 in that his breach of confidentiality was grossly negligent in violation of
sections 2960(h) and 2960(j), and constitutes grounds for the revocation of his probation and for
the revocation of Psychologist's License No. PSY 9687.

SECOND CAUSE FOR DISCIPLINE AND TO REVOKE PROBATION

(Ethical Standards - Breach of Confidentiality)

24. The facts alleged in paragraph 20, above, are realleged and incorporated
by reference as if fully set forth here.

25. Respondent's conduct as set forth in paragraphs 20 and 22, above, has
subjected his license to discipline pursuant to section 2936 because his breach of confidentiality
constituted violations of sections 5.02 and 5.05 of the Ethical Standards in that he did not take
precautions to respect C.S.'s confidentiality and he disclosed confidential information without
C.S.'s consent.

26. Respondent's conduct as set forth in paragraphs 20 and 25, above, is a
violation of Condition No. 4 of the terms and conditions of the Disciplinary Order issued in
Accusation No. W-130 in that his breach of confidentiality was a violation of sections 5.02 and
5.05 of the Ethical Standards, and constitutes grounds for the revocation of his probation and for
the revocation of Psychologist's License No. PSY 9687.

THIRD CAUSE FOR DISCIPLINE AND TO REVOKE PROBATION

(Negligent Failure To Properly Report - Penal Code Section 11166)

27. The facts alleged in paragraph 20, above, are realleged and incorporated
by reference as if fully set forth here.

28. Respondent's conduct as set forth in paragraph 20, above, has exposed his
license to discipline pursuant to section 2960(r) in that he was negligent in failing to notify Child
Protective Services by telephone as required by Penal Code section 11166.

29. Respondent's conduct as set forth in paragraphs 20 and 28, above, is a
violation of Condition No. 4 of the terms and conditions of the Disciplinary Order issued in
Accusation No. W-130 in that he failed to properly report by telephone the suspected child abuse

1 as required by Penal Code section 11166, and constitutes grounds for the revocation of his
2 probation and for the revocation of Psychologist's License No. PSY 9687.

3 FOURTH CAUSE FOR DISCIPLINE AND TO REVOKE PROBATION

4 (Functioning Outside Field Of Competence)

5 30. The facts alleged in paragraph 20, above, are realleged and incorporated
6 by reference as if fully set forth here.

7 31. Respondent's conduct as set forth in paragraph 20, above, has exposed his
8 license to discipline for functioning outside his field of competence pursuant to section 2960(p)
9 in that he conducted an inappropriate investigation, including interviews, into the issue of
10 suspected child sexual abuse which was, admittedly, "beyond the scope" of his experience and
11 expertise.

12 32. Respondent's conduct as set forth in paragraphs 20 and 31, above, is a
13 violation of Condition No. 4 of the terms and conditions of the Disciplinary Order issued in
14 Accusation No. W-130 in that functioning outside his field of competence violates section
15 2960(p), and constitutes grounds for the revocation of his probation and for the revocation of
16 Psychologist's License No. PSY 9687.

17 FIFTH CAUSE FOR DISCIPLINE AND TO REVOKE PROBATION

18 (Inappropriate Investigation/Evaluation - Gross Negligence)

19 33. The facts alleged in paragraph 20, above, are realleged and incorporated
20 by reference as if fully set forth here.

21 34. Respondent's conduct as set forth in paragraph 20, above, has exposed his
22 license to discipline for gross negligence pursuant to section 2960(j) in that his inappropriate
23 involvement in the investigation of suspected child abuse and his improper evaluative methods,
24 after his duties were discharged by the court, violated several Ethical Standards which together
25 constitute gross negligence, as follows:

26 a. Ethical Standards, Section 1.03 - respondent failed to provide professional
27 services in the context of a reasonably defined relationship or role, when he first acted as
28 an impartial agent of the court then switched and, in essence, became an advocate for

1 K.S.;

2 b. Ethical Standards, Section 1.17 - respondent engaged in multiple
3 relationships with the family and allowed a pre-existing relationship to impair his
4 objectivity and to interfere with the effective performance of his role when he became
5 enmeshed in K.S.'s position and efforts to gain custody of E.S.;

6 c. Ethical Standards, Section 2.01 - respondent intervened and provided
7 professional services outside a clearly defined professional relationship;

8 d. Ethical Standards, Section 4.03 - respondent failed to clarify which
9 individuals would be his clients, engaged in conflicting roles especially as an advocate for
10 K.S.'s position, then failed to clarify, adjust or withdraw from his roles appropriately;

11 e. Ethical Standards, Section 7.03 - respondent provided a forensic report
12 concerning the suspected sexual abuse of E.S. without having adequate support to justify
13 statements or conclusions in that he relied on information sources partial to K.S. and did
14 not interview C.S. or E.S.'s three stepbrothers;

15 f. Ethical Standards, Section 7.03 - respondent failed to avoid multiple and
16 conflicting roles, and thereby compromised his judgment and objectivity, particularly as
17 evidenced by his involvement in the investigation of information provided by K.S.

18 35. Respondent's conduct as set forth in paragraphs 20 and 34, above, is a
19 violation of Condition No. 4 of the terms and conditions of the Disciplinary Order issued in
20 Accusation No. W-130 in that his improper involvement in the investigation of suspected child
21 abuse and his improper evaluative methods was grossly negligent and violated Ethical Standards,
22 as listed, and constitutes grounds for the revocation of his probation and for the revocation of
23 Psychologist's License No. PSY 9687.

24 SIXTH CAUSE FOR DISCIPLINE AND TO REVOKE PROBATION

25 (Inappropriate Investigation/Evaluation - Ethical Standards)

26 36. The facts alleged in paragraph 20, above, are realleged and incorporated
27 by reference as if fully set forth here.

28 37. Respondent's conduct as set forth in paragraphs 20, 22, 23, 25, 26, 28, 29,

31, 32, 34 and 35, whether taken collectively or individually or in any combination thereof constitute gross negligence pursuant to section 2960(j) and/or violations of Ethical Standards, as listed, pursuant to section 2936, and constitutes grounds for revocation of his probation and for revocation of Psychologist's License No. PSY 9687.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Psychology issue a decision:

1. Revoking or suspending Psychologist's License No. PSY 9687, issued to JEFFREY S. ARDEN, Ph.D.;
2. Ordering JEFFREY S. ARDEN, Ph.D. to pay the Board of Psychology the reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the costs of probation monitoring;
3. Taking such other and further action as deemed necessary and proper.

DATED: March 28, 2002.



THOMAS S. O'CONNOR
Executive Officer
Board of Psychology
Department of Consumer Affairs
State of California
Complainant

03598160-SA2002AD0383
IRR:lg
3/20/02

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation
Against:

Jeffrey Arden, Ph.D

No. : W228

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22, Sacramento, California 95825. I served a true copy of the attached:

STATEMENT TO RESPONDENT; ACCUSATION; GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7; NOTICE OF DEFENSE (2 COPIES); REQUEST FOR DISCOVERY AND DISCIPLINARY GUIDELINES

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Jeffrey Arden, Ph.D.
2648 East Workman Avenue, Ste. 512
West Covina, CA 91791

7001 2510 0001 2147 2131

Jeffrey Arden, Ph.D.
750 Terrado Plaza, Ste. 246
Covina, CA 91723

7001 2510 0001 2147 2124

Isa Rodriguez
Deputy Attorney General
2550 Mariposa Mall, Room 5090
Fresno, CA 93721

Each said envelope was then, on March 28, 2002, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, March 28, 2002, at Sacramento, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



DECLARANT
Kathi Burns
Enforcement Analyst

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation and Petition to Revoke Probation
Filed Against:

Jeffrey S. Arden, Ph.D.

No. : W228

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Jeffrey Arden, Ph.D.
2648 E. Workman Ave., Ste. 512
West Covina, CA 91791


7001 1940 0001 2974 818

Robert F. Hahn, Esq.
Law Offices of Gould & Hahn
5801 Christie Avenue, Suite 385
Emeryville, CA 94608

Isa R. Rodriguez
Deputy Attorney General
2550 Mariposa Mall, Room 5090
Fresno, CA 93721

Each said envelope was then on, February 28, 2003, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, February 28, 2003, at Sacramento, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


DECLARANT
Mary Laackmann
Enforcement Analyst